

United States District Court

for the

Eastern District of New York

IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ AUG 09 2012 ★

BROOKLYN OFFICE

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: **Paul Stokes**

Case Number: **10 CR 480**

Name of Sentencing Judicial Official: **The Honorable Jack B. Weinstein,**
Senior U.S. District Judge

Date of Original Sentence: **September 14, 2011**

Original Offense: **18 U.S.C. 1349, 1343, & 1348 Conspiracy to Commit Wire Fraud, a Class B felony; 18 U.S.C. 1348, Wire Fraud, a Class B felony; and, 18 U.S.C. 371, Investment Advisor Fraud Conspiracy, a Class D felony.**

Original Sentence: **6 months custody on each count to run concurrently, and 3 years supervised release with special conditions requiring the offender to: participate in drug treatment program; provide full financial disclosure; submit his person, residence, business, vehicle to a search by the Probation Department; and, repay \$519,612 in restitution. A \$300 special assessment was also ordered.**

Type of Supervision: **Supervised Release**

Date Supervision Commenced: **May 18, 2012**

PETITIONING THE COURT

- ☐ To extend the term of supervision for years, for a total term of __ years.
☒ To modify the conditions of supervision as follows:

see next page

Re: Paul Stokes

ED/NY docket#: 10 CR 480

Request for Modification to

Conditions of Supervised Release

The defendant shall participate in an outpatient and/or inpatient drug treatment or detoxification program approved by the U.S. Probation Department. The defendant shall contribute to the costs of such treatment/detoxification not to exceed an amount determined reasonable by the Probation Department's Sliding Scale for Substance Abuse Treatment Services, and shall cooperate in securing any applicable third-party payment, such as insurance or Medicaid. The defendant shall disclose all financial information and documents to the Probation Department to assess his or her ability to pay. The defendant shall not consume any alcohol or any other mood altering intoxicant, including but not limited to incense, bath salts and over-the-counter medication, in manner that is contraindicated to the intended purpose of the substance. The defendant shall submit to testing during and after treatment to ensure abstinence from drugs and alcohol.

The defendant shall perform 16 hours of community service at a site approved by the Probation Department each week he is not employed or enrolled in an educational or vocational training program, or a combination thereof.

The defendant may not operate any motor vehicle for 30 days after any illegal drug use.

The offender shall abide by a curfew for three months wherein he shall remain at his primary residence from 9 p.m. until 6 a.m.. The Probation Department may designate another nine hour period if the offender's employment, education, or religious services preclude the above-specified time. This curfew shall be monitored electronically but he shall not be responsible for the costs of this monitoring.

CAUSE

The offender was released from the custodial portion of his sentence on May 18, 2012. He was immediately afterwards referred to an out-patient drug treatment program near his residence in Staten Island, NY. For several weeks, however, the offender failed to follow the directives of both the probation officer and treatment staff by failing to follow up on various appointments and failing to submit to drug testing. Finally, it was determined that he had been illegally buying and abusing an opiate based painkiller. The offender has since admitted that he was actually abusing both heroin and prescription painkillers that he was buying "on the street." The offender is now suffering from an aggressive infection in his arm, where he was injecting the illegal drugs. He is currently hospitalized in Staten Island, NY, and receiving intravenous antibiotics to quell the massive infection.

When he is discharged from the hospital, the requested modifications will ensure a three-pronged approach to his drug use: rehabilitation, punitive sanctions, and prevention. To provide the treatment he currently warrants, our office has also increased the treatment regimen at the drug Re:

ED/NY docket#: 10 CR 480

Request for Modification to


Conditions of Supervised Release

treatment program to provide an appropriate level of treatment and drug testing. The increased treatment, coupled with the electronically monitored curfew, will also ensure that he is using his leisure time productively and provide more structure to his days. The offender is not currently employed and residing in his parents' home. They are treatment and supervision allies, and they agree with the need for these modifications. The driving prohibition will help to protect the community if this offender were to relapse again. Studies clearly show that drug abuse severely limits one's ability to operate motor vehicles safely. The remaining modification will provide motivation for this offender to secure paid employment and enroll in an educational program, possibly at a nearby college where he was taking classes during his previous term of supervised release. If he does not maintain at least full-time employment, or a combination of employment and school, the offender will be required to serve 16 hours each week performing community service.

Respectfully submitted by:

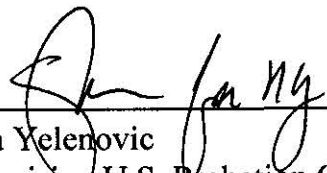
Eileen Kelly
Chief U.S. Probation Officer

Prepared by,



Christopher Wodzinski
Senior U.S. Probation Officer

Approved by,

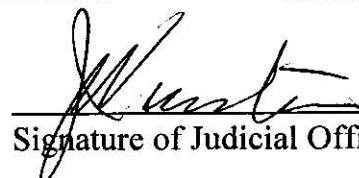


Nella Yelenovic
Supervising U.S. Probation Officer
Date: 7/31/12

THE COURT ORDERS:

☒ The requested special conditions are approved.

☐ Other _____

8/1/12 

Signature of Judicial Officer Date

PROB 49
(3/89)

United States District Court

____ Eastern ____ District ____ of New York ____

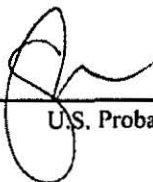
Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

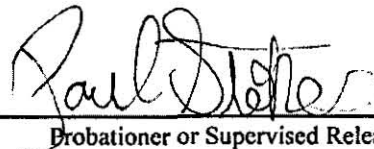
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Witness



U.S. Probation Officer

Signed



Probationer or Supervised Releasee

7/24/12

Date

PROB 49
(3/89)

United States District Court

____ Eastern ____ District ____ of New York ____

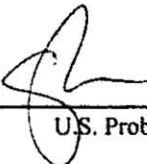
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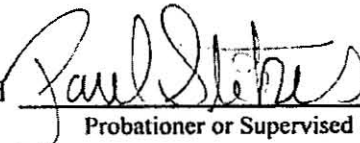
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Witness 
U.S. Probation Officer

Signed 
Probationer or Supervised Releasee

7/26/12
Date

PROB 49
(3/89)

United States District Court

Eastern District of New York

Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

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Witness _____

U.S. Probation Officer

Signed _____

Probationer or Supervised Releasee

7/26/12

Date